

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper
Carrier Classification of, and Complaint
for Penalties Against

SATWINDER SINGH, d/b/a LUXURY1
LIMO, LLC.

DOCKET TE-190842

ORDER 04

FINAL ORDER AFFIRMING AND
ADOPTING ORDER 03 AND
MODIFYING PAYMENT
SCHEDULE

BACKGROUND

- 1 On December 10, 2019, the Washington Utilities and Transportation Commission (Commission) entered Order 02, Stipulated Initial Order Classifying Respondent as a Charter Party or Excursion Service Carrier; Order Respondent to Cease and Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02). Order 02 required Satwinder Singh, d/b/a Luxury1 Limo, LLC, (Luxury1 Limo or Company) to cease and desist operating as a charter party or excursion service carrier and imposed a penalty of \$10,000 for two violations of RCW 81.70.260(1), all but \$1,000 of which was suspended for a period of two years conditioned on the Company (1) permanently refraining from operating as a charter party or excursion service carrier without first obtaining a certificate from the Commission; and (2) complying with all applicable statutes and Commission rules. Order 02 became final by operation of law, and Luxury1 Limo paid the \$1,000 portion of the penalty the Commission did not suspend.
- 2 On December 8, 2020, the Commission entered Order 03, Imposing Suspended Penalty. The presiding administrative law judge found that Luxury1 Limo violated the conditions in Order 02 by advertising and offering charter party and excursion service without a certificate from the Commission. Order 03 imposed the \$9,000 portion of the penalty the Commission imposed in Order 02 and adopted a payment schedule of \$250 per month from January 1, 2021, through December 1, 2023.
- 3 On December 16, 2020, Luxury1 Limo filed a letter with the Commission requesting that the Commission reconsider Order 03. The Company contends that the COVID-19 pandemic has required it to shift its business. Luxury1 Limo claims it has sold the vehicle

it used to provide charter party and excursion service and will soon be out of business. The Company requests that the Commission dismiss the previously suspended penalty to enable Luxury1 Limo to recover financially and avoid the bankruptcy that would result from imposition of the suspended penalty.

- 4 On December 28, 2020, Commission regulatory staff (Staff)¹ filed a response to the Company's request. Staff recommends that the Commission deny Luxury1 Limo's request on three grounds: (1) the Company's letter fails to comply with Commission rules governing petitions for administrative review of initial orders; (2) Order 03 is consistent with the largely undisputed record evidence and was properly decided; and (3) Luxury1 Limo does not dispute that evidence but merely asks for leniency, which Order 03 already extends.

DISCUSSION AND DECISION

- 5 We liberally construe Luxury1 Limo's letter as a petition for administrative review of Order 02.² The Commission may overlook certain procedural defects in a pleading, particularly one submitted by a *pro se* party, but we cannot ignore substantive deficiencies. Staff correctly contends that the Company fails to identify any error of fact or law in Order 03 or to contest the evidence on which the administrative law judge rendered that order. Accordingly, we find no basis to depart from Order 03 and affirm and adopt it as our own.
- 6 We are sympathetic to businesses that have been disadvantaged as a result of the pandemic and the measures taken to combat it. Our primary obligation in the circumstances of this case, however, is to protect the traveling public and ensure that only certificated companies offer and provide charter party and excursion services. We showed leniency in suspending the vast majority of the penalty applicable to Luxury1 Limo's statutory violations conditioned on the Company's agreement not to operate unlawfully. The undisputed evidence proves that Luxury1 Limo failed to honor that

¹ In formal proceedings such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

² *See* WAC 480-07-395(4) ("The commission will consider pleadings and motions based primarily on the relief they request and will not rely solely on the name of the document.").

agreement. While imposing the suspended penalty, Order 03 mitigates that action by allowing the Company to pay the penalty in monthly installments over two years. No further leniency is warranted.

- 7 We nevertheless will make one minor adjustment to the payment schedule in Order 03. The first payment under that order was due on January 1, 2021. Because Luxury1 Limo's petition was pending on that date, we will begin the required payments on February 2, 2021, and add a final payment on December 31, 2023. In all other respects, Order 03 is an order of the Commission and fully effective and enforceable according to its terms.

ORDER

THE COMMISSION ORDERS:

- 8 (1) The Commission affirms and adopts Order 03.
- 9 (2) The Commission modifies the payment schedule in Order 03 to delete the initial payment on January 1, 2021, and add a final payment of \$250 on December 31, 2023.
- 10 (3) The Commission delegates to the Secretary the authority to approve parties' submissions in compliance with this Order and Order 03.

Dated at Lacey, Washington, and effective January 7, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chair

ANN E. RENDAHL, Commissioner

JAY M. BALASBAS, Commissioner